

### **III. REMARKS**

1. Claims 12-14 are rejected under 35 U.S.C. §101 as not being directed to statutory subject matter. This rejection is respectfully traversed. In the United States, the statutory categories of subject matter include process, machine, manufacture and composition of matter. Subject matter may not be patented under 35 U.S.C. §101 if it falls into one the express exclusions, which include laws of nature, natural phenomena and abstract ideas. Claim 12 recites a software copyright information managing "system" for managing software copyright data in a multiple platform electronic architecture. The system includes a "system controller" for collecting the software copyright data from multiple platforms and a "user interface" connected to the system controller for displaying the software copyright data from the memory to a user. At the very least these claimed features can be considered "manufacture" and the claims are clearly directed towards statutory subject matter.

"Systems", "controllers" and "user interfaces" will be understood to comprise physical items, or items that can be made. Thus, they easily fall into at least the category of "manufacture". The supporting description in the specification adds further support that the features of these claims are directed to physical articles.

Claim 13 recites a "memory". A "memory" is a physical article and also can be encompassed by the category of "manufacture." Thus, claim 13 is directed to statutory subject matter. The subject matter of claim 14 is similarly statutory subject matter.

Therefore, it is respectfully submitted that claims 12-14 are directed to statutory subject matter and do not fall into any of the exclusions encompassed by 35 U.S.C. §101.

2. Claims 1-21 are not unpatentable over Nakagawa et al. ("Nakagawa") (U.S. Publication No. 2003/0159065 A1) in view of "Strategy for collecting Software Inventory Information Across a Local Area Network." (the IBM Disclosure") and in view of Schwarz, Jr. (U.S. Patent No. 6,476,927)("Schwarz") under 35 U.S.C. §103(a).

Applicant has previously discussed the deficiencies related to the proposed combination of Nakagawa and the IBM Disclosure, which arguments are incorporated herein by reference again in their entirety. The proposed combination of Schwarz with Nakagawa and the IBM disclosure does not overcome the noted deficiencies.

First, there is no motivation as required under 35 U.S.C. §103(a) to combine Schwarz with Nakagawa and the IBM Disclosure. In formulating a rejection under 35 U.S.C. §103(a) based upon a combination of prior art elements, "it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed." (quoting from USPTO memorandum dated May 3, 2007 on the Supreme Court decision on KSR Int'l Co., v. Teleflex, Inc.) The Examiner states that it would have been obvious to combine the references because "Schwarz's teaching would have allowed Nakagawa's method to minimize network loads, while providing central printer control." This reason to combine references does not bear any relationship to the subject matter to which Applicant's claims are directed. Thus, it cannot serve as "motivation" for purposes of 35 U.S.C. §103(a).

As stated in MPEP §2142:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)

It is further stated in MPEP §2142 that to “support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.’ *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).” The suggestion provided by the Examiner does not related to Applicant’s claimed invention.

The Examiner states that the motivation to combine references to find Applicant’s claimed invention would be to “minimize network loads, while providing central printer control.” However, Applicant’s claimed invention is directed to “managing attribute data” in a “multiple platform architecture”. As recited in claim 1, attribute data is collected, copyright data is recognized and the copyright data is processed. However, Schwarz is directed to determining and selecting an appropriate printer for a print job. This is not directed toward Applicant’s claimed invention. Furthermore, Nakagawa is a copyright inspection apparatus while the IBM Disclosure relates to software inventory collection. It is respectfully submitted that there is no reason why one would look from a copyright inspection apparatus (Nakagawa) and a software inventory collection method (IBM Disclosure) to a system to select a printer as in Schwarz, in order to achieve the invention claimed by Applicant. Providing “central printer control” is not such motivation with respect to the invention claimed by Applicant. Thus, it is respectfully submitted that there is no legal motivation to combine the references as required for purposes of 35 U.S.C. 103(a).

Additionally, Applicant respectfully notes that Schwarz has improperly been combined with Nakagawa and the IBM Disclosure. References may be combined under 35 U.S.C. §103(a) **only** if the references are analogous art. A reference is analogous art if the reference is in the same field of endeavor as the applicant’s, or the reference is reasonably pertinent to the particular problem with which the applicant was concerned. In this case Schwarz is **not** analogous art.

Schwarz is directed to print job distribution systems and in particular to scheduling printed documents. (Col. 1, lines 5-10). Applicant's claimed invention is directed to "managing attribute data" in a **"multiple platform architecture"**. A multiple **platform** architecture" as defined and claimed by Applicant includes a platform that has its own **"processor and software."** (See e.g. page 1, lines 13-15 of Applicant's specification). Each **"platform"** manages and maintains its own **software copyright** information. As recited in the claims, Applicant's management system is generally intended to be used for are managing software copyright information and other software attribute data in document processing apparatus such as e.g. a copier, a facsimile machine, a computer printer, a scanner, or a multifunction device. Schwarz merely controls print jobs.

Thus, Schwarz cannot be said to be in the same field of endeavor as Applicant, and the scheduling of print jobs is not at all relevant to managing copyright data as claimed by Applicant. Thus, Schwarz is not analogous art and cannot be combined with Nakagawa and the IBM Disclosure for purposes of 35 U.S.C. §103(a).

Additionally, the combination of Schwarz with Nakagawa and the IBM Disclosure does disclose or suggest each feature of Applicant's claimed invention. Claim 1 recites collecting attribute data including copyright data pertaining to software from multiple platforms. Schwarz merely discloses polling available printer devices for availability and current work load. (Col. 6, lines 1-3). There is no disclosure of collecting attribute data including copyright data pertaining to software from multiple platforms. Thus, at least this feature claimed by Applicant is not disclosed or suggested.

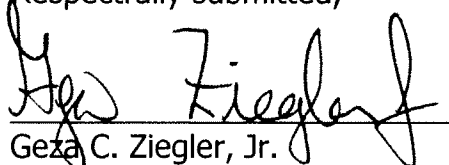
Claim 1 also recites a user interface connected to the system manager for displaying the collected attribute data in the list of copyright data to a user. There is no such disclosure by Schwarz. Schwarz merely references a user interface for the "distribution of information to a receiver on a network." (Col. 3, lines 19-21). This is not the same as what is claimed by Applicant. Thus, the combination of Schwarz with Nakagawa and the IBM Disclosure cannot disclose or suggest the claimed feature.

Thus, the features of claim 1 cannot be and are not disclosed or suggested by the proposed combination of Nakagawa, the IBM Disclosure and Schwartz. The features of independent claims 3 and 12 are similarly not disclosed or suggested. The dependent claims should be allowable at least by reasons of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for a one month extension of time together with any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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10 May 2007

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